



POST BOARD ACTION AGENDA

Meeting of the Cook County Board of Commissioners

County Board Room, County Building

Monday, March 31, 2008 9:00 A.M.

ATTENDANCE

Present: President Stroger and Commissioners Beavers, Butler, Claypool, Collins, Daley, Goslin, Moreno, Peraica, Silvestri, Sims, Steele and Suffredin (12)

Absent: Commissioners Gorman, Maldonado, Murphy, Quigley and Schneider (5)

(Matters referred to Committee are available from the Secretary to the Board of Commissioners)

POST BOARD ACTION AGENDA

Special Meeting of the Cook County Board of Commissioners
County Board Room, County Building
Monday, March 31, 2008, 9:00 A.M.

CALL OF THE MEETING

ITEM #1

Roll Call.

PRESIDENT

APPOINTMENT

ITEM #2

APPROVED

Transmitting a Communication from

TODD H. STROGER, President, Cook County Board of Commissioners

I hereby appoint Rev. L. Tyrone Crider to the Board of Directors of the Regional Transportation Authority, for a term to begin April 1, 2008 and expire on March 31, 2013.

I submit this communication for your approval.

CONTRACT

ITEM #3

APPROVED

Transmitting a Communication from

TODD H. STROGER, President, Cook County Board of Commissioners

requesting authorization for the Purchasing Agent to enter into and execute a professional services contract with Hudson Highland Group, Inc., Orlando, Florida, to provide national executive search and consulting services for the Independent Inspector General (“IIG”) search.

Reason: Hudson Highland Group, Inc. is a national management consulting and executive search firm which has been selected by the Cook County Bar/Chicago Bar Association Joint Search Committee (“Joint Search Committee”) to assist it in its search for candidates for the position of IIG.

Estimated Fiscal Impact: \$50,000.00 (33% of 1st year salary of the Independent Inspector General).
Contract period: March 31, 2008 through March 30, 2009. (490-260 Account).

REPORT

ITEM #4

DEFERRED

COMMISSIONER PERAICA VOTED “NO”.

Submitting Cook County’s Response to the Second Semi-Annual Report of the Compliance Administrator.

COMMISSIONERS

**AUTHORIZATION TO DISCHARGE COMMUNICATION NO. 290348
FROM THE LEGISLATION, INTERGOVERNMENTAL & VETERANS
RELATIONS COMMITTEE**

ITEM #5

APPROVED

Commissioner Suffredin, seconded by Commissioner Steele, moved that Communication No. 290348 - the appointment of Denise Roche-Evans to the Cook County Emergency Telephone System Board be discharged from the Legislation, Intergovernmental & Veterans Relations Committee. **The motion carried unanimously.**

Commissioner Suffredin, seconded by Commissioner Butler, moved that the appointment by the President be approved.

Commissioner Peraica called for a Roll Call, the vote of yeas and nays being as follows:

**ROLL CALL ON THE MOTION TO APPROVE COMMUNICATION NO. 290348 -
THE APPOINTMENT OF DENISE ROCHE-EVANS TO
THE COOK COUNTY EMERGENCY TELEPHONE SYSTEM BOARD**

Yeas: Beavers, Butler, Claypool, Collins, Daley, Goslin, Moreno, Silvestri, Steele, Suffredin - 10.

Nays: Peraica - 1.

Absent: Gorman, Maldonado, Murphy, Quigley, Schneider, Sims - 6.

The motion to approve CARRIED.

Transmitting a Communication, dated March 20, 2008 from

LARRY SUFFREDIN, County Commissioner

Please place the following communication on the agenda for the Special Meeting of the Board of Commissioners on Monday, March 31, 2008 at 9:00 a.m.

As Chairman of the Committee on Legislation, Intergovernmental & Veterans Relations, I request that Communication No. 290348, the appointment of Denise Roche-Evans to the Cook County Emergency Telephone System Board, be discharged from the Legislation, Intergovernmental & Veterans Relations Committee.

290348 COOK COUNTY EMERGENCY TELEPHONE SYSTEM BOARD (APPOINTMENT)
Transmitting a Communication from Todd H. Stroger, President, Cook County Board of Commissioners:

I hereby appoint Denise Roche-Evans to the Cook County Emergency Telephone System Board, to fill the vacancy left by John Kozaritz, for a term to begin immediately and expire on May 1, 2010.

I submit this communication for your approval.

Commissioner Suffredin requested that the opinion of the State's Attorney regarding the appointment of Denise Roche-Evans to the Cook County Emergency Telephone System Board be made a part of the record.

COMMISSIONERS continued

**AUTHORIZATION TO DISCHARGE COMMUNICATION NO. 290348
FROM THE LEGISLATION, INTERGOVERNMENTAL
& VETERANS RELATIONS COMMITTEE continued**

ITEM #5 cont'd

LETTER

Transmitting a Communication, dated December 14, 2007 from

RICHARD A. DEVINE, Cook County State's Attorney

Matthew Birk,
Legal and Labor Affairs Division
Sheriff's Office of Cook County
Richard J. Daley Center
50 West Washington - Room 704
Chicago, Illinois 60602

Re: 07-503: Appointment of Denise Roche-Evans to the Cook County Emergency Telephone System Board

Dear Mr. Birk:

You have asked our office to advise you concerning whether any conflict of interest would be created by the appointment of Denise Roche-Evans, who is employed by the Sheriff of Cook County as the Director of 911 Communications, to serve as member of the Cook County Emergency Telephone System Board ("ETSB"). President Stroger presented this appointment at the November 6, 2007 County Board meeting. The appointment was referred to the Legislation, Intergovernmental and Veteran's Relations Committee, and was discussed at the November 20, 2007 meeting of that committee.

ISSUE PRESENTED:

Whether any conflict of interest would be created by the appointment of Denise Roche-Evans, who is employed by the Sheriff of Cook County as Director of 911 Communications, to serve as a member of the Cook County Emergency Telephone System Board.

CONCLUSION:

This Office has concluded that no conflict would be created by the service of Ms. Roche-Evans on the Cook County ETSB. Pursuant to ordinance, "at least three members of the [ETSB] shall be representatives of the 9-1-1 public safety agencies, ... and appointed on the basis of their experience." Cook County Ord. § 26-79(b). Further, it is our understanding the Ms. Roche-Evans' position as the Sheriff's Police Department's Director of 911 Communications, is funded entirely by the County through the budget of the Sheriff and not by the Emergency Telephone System Fund. Moreover, in her capacity as the Sheriff's 911 Communications Director, Ms. Roche-Evans is supervised exclusively by the Sheriff and his delegates, and not the ETSB or the ETSB's executive Director.

DISCUSSION:

The Cook County ESTB was established pursuant to statute by county-wide referendum held on April 20, 1993. *See*, 50 ILCS 750/1 *et seq.*; Cook County Ord. No. 92-O-49, adopted September 21, 1992), presently codified at Cook County Ord. §§ 26-71 through 26-80. Section 26-79(b) provides as follows:

COMMISSIONERS continued

**AUTHORIZATION TO DISCHARGE COMMUNICATION NO. 290348
FROM THE LEGISLATION, INTERGOVERNMENTAL
& VETERANS RELATIONS COMMITTEE continued**

ITEM #5 cont'd

(b) At least three members of the Board shall be representatives of the 9-1-1 public safety agencies, including but not limited to police departments, fire departments, emergency medical services providers, and emergency services and disaster agencies, and appointed on the basis of their ability or experience. Elected officials are also eligible to serve on the Board. Members of the board shall serve without compensation but shall be reimbursed for their actual and necessary expenses.

Cook County Ord. § 26-79. As is evident, three of the ETSB board members are required to possess qualifications of the type possessed by Ms. Roche-Evans, *i.e.*, experience in 911 communications.

A review of caselaw and opinions issued by the Illinois Attorney General concerning conflict of interest and incompatibility of public offices reveals that a conflict exists when two offices are viewed as fiscally incompatible. *See, e.g., People ex rel. Theros v. Verbeck*, 155 Ill. App. 3d 81, 83-84 (1st Dist. 1987) (Defendant's two offices were fiscally incompatible since defendant as a member of the county board had authority to act upon the salary and budget of the county coroner who, in turn, determines defendant's salary as deputy county coroner. The potential for influencing his superior's salary and budget and, ultimately, his own salary, without more, rendered defendant's offices incompatible.)

Further, a conflict has been found to exist when a subordinate official, in another capacity, supervises his superior. *See, Rogers v. Village of Tinley Park*, 116 Ill. App. 3d 437, 441 (1st Dist. 1983) (Positions of municipal police officer and village trustee incompatible); 1996 Ill. Op. Att'y Gen. No. 96-042 (Conflict of interest in county board member serving as county housing authority executive director, because county board member's power to act upon appointment of housing authority commissioner, who in turn selected and supervised executive director of the housing authority precluded simultaneous tenure in these positions.)

The appointment of Ms. Roche-Evans to the County ETSB implicates neither of these potential areas of conflict. No fiscal incompatibility can be present because Ms. Roche-Evans' salary as the Sheriff's Director of 911 Communications is not paid from any ETSB funds, but rather exclusively through the Sheriff's budget as provided in the annual Cook County appropriations ordinance. Further, in her capacity as 911 Communications Director for the Sheriff, it is our understanding that Ms. Roche-Evans is supervised exclusively by the Sheriff and his delegates and is not responsible to the ETSB.

Thus, this Office has concluded that no conflict of interest is presented by the proposed appointment of Ms. Roche-Evans to the Cook County ETSB.

MISCELLANEOUS
REPORT

ITEM #6

DEFERRED

The following item was deferred at the March 13, 2008 Special Board Meeting.

Second Semi-Annual Report of the Compliance Administrator, Julia M. Nowicki.

ADJOURNMENT

ITEM #7

APPROVED

Motion to adjourn.